

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: Kristin M. Ellet	Debtor	CHAPTER 13
Wilmington Savings Fund Society, FSB, as trustee of Stanwich Mortgage Loan Trust C	Movant	NO. 17-13275 ELF
vs.		
Kristin M. Ellet	Debtor	
William C. Miller Esq.	Trustee	11 U.S.C. Section 362

**MOTION OF Wilmington Savings Fund Society, FSB,
As Trustee of Stanwich Mortgage Loan Trust C
FOR RELIEF FROM THE AUTOMATIC STAY
UNDER SECTION 362**

1. Movant is Wilmington Savings Fund Society, FSB, as trustee of Stanwich Mortgage Loan Trust C.
2. Debtor is/are the owner of the premises 6 POWELL PL, HAMILTON, NJ 08610, hereinafter referred to as the mortgaged premises.
3. Movant is the holder of a mortgage, original principal amount of \$190,056.00 on the mortgaged premises that was executed on December 17, 2010. Said mortgage was recorded on December 20, 2010 at Book 10627, Page 0805. The Mortgage was subsequently assigned to Movant by way of Assignment of Mortgage recorded on June 8, 2017, at Instrument No. 2017026090 in Mercer County, New Jersey. Documentation attached hereto as Exhibit A is provided in support of right to seek a lift of stay and foreclose if necessary.
4. Carrington Mortgage Services, LLC services the loan on the Property referenced in this Motion. In the event the automatic stay in this case is modified, this case dismisses, and/or the Debtor obtains a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of Movant. Movant, directly or through an agent, has possession of the promissory note. Movant will enforce the promissory note as transferee in possession. Movant is the original mortgagee or beneficiary or the assignee of the Mortgage.
5. William C. Miller Esq., is the Trustee appointed by the Court.

6. The commencement and/or continuation of the mortgage foreclosure proceedings by reason of non-payment of monthly mortgage payments were stayed by the filing of a Chapter 13 Petition in Bankruptcy by Debtor.

7. Debtor has failed to make the monthly post-petition mortgage payments in the amount of \$2,251.38 for the months of June 2017 through August 2017; \$1,921.34 for the months of September 2017 through November 2017 and \$1,617.07 for the months of December 2017 through April 2018, less suspense balance of \$43.14.

8. In addition to the other amounts due to Movant reflected in this Motion, as of the date hereof, in connection with seeking the relief requested in this Motion, Movant has also incurred \$850.00 in legal fees and \$181.00 in legal costs. Movant reserves all rights to seek an award or allowance of such fees and expenses in accordance with applicable loan documents and related agreements, the Bankruptcy Code and otherwise applicable law.

9. The total amount necessary to reinstate the loan post-petition is \$20,560.37 (plus attorney's fees & costs).

10. Pursuant to the confirmed plan, the referenced property is being surrendered.

11. Movant is entitled to relief from stay for cause.

12. This motion and the averments contained therein do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the mortgage and applicable law.

WHEREFORE, Movant prays that an Order be entered modifying the Stay and permitting Movant to proceed with its mortgage foreclosure on the mortgaged premises, and to allow the Sheriff's Grantee to take any legal action to enforce its right to possession of the mortgage premises. Further, Movant prays that an Order be entered awarding Movant the costs of this suit, reasonable attorney's fees in accordance with the mortgage document and current law together with interest.

/s/ **Rebecca A. Solarz, Esquire**

Rebecca A. Solarz, Esquire
KML Law Group, P.C.
701 Market Street, Suite 5000
Philadelphia, PA 19106-1532
Phone: (215) 627-1322 Fax: (215) 627-7734
Attorneys for Movant/Applicant